

CITY OF MUSKEGON
MUSKEGON HOUSING BOARD OF APPEALS
MEETING MINUTES
04/02/09
5:30PM

ATTENDANCE: Randy Mackie, Ed Simmons(late), Nick Kroes, Kirk Kolberg (late),
Chris Carter, Greg Borgman(late), Jon Rolewicz

ABSENT:

EXCUSED:

STAFF: Carmen Smith, Jim Hoppus, Don LaBrenz, Ken Murar, Henry
Faltinowski, Mark Kincaid, Scott Houghtaling

GUESTS:

Meeting minutes: A motion was made by Chris Carter and seconded by Randy Mackie
to approve the February 2009 minutes.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Randy Mackie		Greg Borgman(late)		
Jon Rolewicz				
Nick Kroes				
Chris Carter				
		Ed Simmons(late)		
		Kirk Kolberg(late)		

Motion carried.

PROPERTY MAINTENANCE APPEAL CASE

275 Houston – Karen Kendall – 3755 Highgate Rd., Muskegon, MI 49441

Ms. Kendall was present to represent case.

Ms Kendall stated she owns historic property, built in 1905 and much of the exterior parts of the structure is original including the door she is appealing. She said it's been a trial to do improvements because she has to get the approval of the Historic District Committee. She said the garage has a hasp with padlock which has been on house since she's purchased in 1989 and probably existed before. She said the garage is used for storage mostly lawn equipment and tools. The only people that have access are people who work for her. She asked for exception regarding the hasp so she wouldn't have to drill hole in side to make opening for lock and handle which she feels would ruin the door. She said this would be a hardship financially. Scott Houghtaling stated it's a rental property that looks nice. Ms Kendall showed pictures. Scott Houghtaling said his inspection shows there is a hasp on garage with padlock and according to the property maintenance code under structure security"hasp and padlock are prohibited". Nick Kroes asked if hole seen on the picture next to hasp was always there. Ms Kendall stated hole was put there by WEHMET because one of her tenants was in question. John Rolewicz stated that a night latch could be installed where hole is currently and she would not have to damage the door; it would fasten on the interior and key to open so no additional holes would be needed. It would meet code and provide security.

Motion made by Randy Mackie to deny the appeal and seconded by Chris Carter.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
		Greg Borgman(late)		

Randy Mackie
Jon Rolewicz
Nick Kroes
Chris Carter
Ed Simmons
Kirk Kolberg

Motion carried.

DANGEROUS BUILDING REVIEW CASES

EN-080135 – 60 E. WALTON – Jeffrey/Denise Bergsma – 5961 Austrian Pine Ln, Grant, MI 49327

Mr. Jeffrey Bergsma was present to represent case.

Mr. Bergsma stated he plans to use property as a rental. He said he plans to get permit to do exterior on Monday and would complete exterior in 30 days and complete interior within 60 days as he's waiting for income tax return. Mark Kincaid said he wants to insure Mr. Bergsma understood since it will be a rental that licensed contractors would have to do the work. Mr. Bergsma stated he has consulted City Attorney and was advised that as a homeowner he could get the building permit. Don LaBrenz said not to confuse property owner with homeowner. The property owner can secure building permit but any electrical, mechanical, plumbing work has to be done by licensed contractors.

Staff Recommendation: Table until the June 2009 HBA Meeting.

A motion was made by Randy Mackie and seconded by Chris Carter to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
		Greg Borgman(late)		

Randy Mackie
Jon Rolewicz
Nick Kroes
Chris Carter
Ed Simmons
Kirk Kolberg

Motion carried.

EN-080099 – 680 Jackson – Robert/Brandy Hillsburg, 340 W. Forest Ave. Muskegon, MI 49441

Robert & Brandy Hillsburg was present to represent case.

Brandy Hillsburg stated they started on property some time ago and then found out that they didn't have clear title and stopped working and tried to give it back to person they obtained it from. The person didn't want it back. The City last year sent notice to get repairs done based on exterior inspection, a interior inspection was conducted. They got permits and started on exterior and gave timeline stating that six months

would not be enough time to finish repairs. Ms Hillsburg showed pictures of gutted house and progress that's been made thus far. She stated the siding was done except top portion of house. She stated they have made progress inside and had electrical rough-in approved. She said the mechanical is progressing with furnace installed and some ingoing plumbing has been done. She asked that permits be extended as indicated in her letter to the Inspection Department that they've had some personal problems due to sickness which prohibited work on the home. Chris Carter asked what would be a reasonable time to complete repairs. Ms Hillsburg said they want to finish exterior in next 30 days and finish inside within five months or 1st of November. Mrs Hillsburg apologized for not calling Inspections because they didn't want to waste the Inspectors time when work was not completed. Mark Kincaid said he understood the problems the Hillsburg were experiencing but wanted to make sure monthly progress inspections are conducted.

A motion was made by Chris Carter to extend permits until November 2009 with stipulations that monthly progress inspections be conducted and if progress cease, the case would automatically be brought back before HBA. The motioned was seconded by Nick Kroes.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
		Greg Borgman(late)		

Randy Mackie
Jon Rolewicz
Nick Kroes
Chris Carter
Ed Simmons
Kirk Kolberg

Motion carried.

EN-090038 – 1409 Nolan – John/Jessica Wallor, 2414 Memorial Dr., Muskegon, MI 49445

Attorney Paul Ladas was present to represent case.

Mr. Ladas stated he represents buyer and seller. The house has been sold, deed already recorded. The new owners have sincere interest in correcting problems. He said new owners would like 90 days to review and decide whether they correct all defects. Mark Kincaid said an interior inspection was scheduled but inspectors was denied entry. Ed Simmons asked what intention is of home if not tore down. Chris Carter asked if not tore down if plans are to fix it. Mr. Ladas said all taxes and fees

have been paid. Mr. Ladas ask for clarification if structure is declared dangerous. Board and staff explained dangerous building process. Don LaBrenz explained to new owners why interior inspection is necessary to provide list of all repairs needed so decision can be made if choice is to repair structure.

Nick Kroes made a motion to declare building substandard, a public nuisance, and dangerous building with delay of 120 days before forwarding to city commission for their concurrence and schedule interior inspection, motion was seconded by Randy Mackie.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
				Greg Borgman

Randy Mackie
Jon Rolewicz
Nick Kroes

Chris Carter(left early)

Ed Simmons
Kirk Kolberg

Motion carried.

EN-070098- 1969 Wood Street – Keenan Sims – 2205 Leahy St., Muskegon, MI 49444

No one was present to represent case.

Mark Kincaid stated Mr. Sims informed Inspections Department that he no longer has interest or ownership of property and someone else owns it. Ed Simmons asked if after Mr. Sims put new roof on structure he lost the property. Mark Kincaid indicated that appears to be the case.

Greg Borgman made motion to declare building substandard, a public nuisance, and dangerous building and seconded by Randy Mackie.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT: ABSTENTION:

Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes

Chris Carter(left early)

Ed Simmons
Kirk Kolberg

Motion carried.

**EN-090015 (Garage) – 711 Amity – Carl/Anita Frans, 901 Moulton Ave.,
Muskegon, MI 49445**

No one was present to represent case.

Mark Kincaid stated this case was a garage that had been torn down but the debris was left. The debris has now been removed but the slab is still there which the owner would like to retain.

Motion by Randy Mackie declare building substandard, a public nuisance, and dangerous building and seconded by Ed Simmons.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT: ABSTENTION:

Greg Borgman
Randy Mackie
Jon Rolewicz
Nick Kroes

Chris Carter(left early)

Ed Simmons
Kirk Kolberg

Motion carried.

**EN-090033 – 1411 Sixth St – Deutsche Bank National Trust Co., 3 Ada, Irvine,
CA 92618**

No one was present to represent case.

Mark Kincaid stated there was a fire at the structure and there has been no owner contact.

Nick Kroes made motion to declare building substandard, a public nuisance, and dangerous building and seconded by Greg Borgman.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
Jon Rolewicz				
Nick Kroes				
		Chris Carter(left early)		
Ed Simmons				
Kirk Kolberg				

Motion carried.

EN-090039 – 1464 Sixth St (Home & Garage) – United State of America, 5312 Bolsa Ave., Ste #200, Huntington Beach, CA 92649

No one was present to represent case.

Mark Kincaid said there has been no owner contact for property.

A motion was made by Ed Simmons to declare building substandard, a public nuisance, and dangerous building and seconded by Greg Borgman.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
	Jon Rolewicz			
Nick Kroes				
		Chris Carter(left early)		
Ed Simmons				
Kirk Kolberg				

Motion carried.

OLD BUSINESS:

Greg Borgman asked about 238 Houston. Mark Kincaid said it's not good but doesn't qualify for dangerous building status at this time. Nick Kroes asked about status 143 E. Southern. Mark Kincaid said property has new owner and possible temporary restraining order pending. Kirk Kolberg asked about 2125 Bluffton. Don LaBrenz said court action is pending on that property.

NEW BUSINESS:

ADJOURNMENT: 6:10 PM

CITY OF MUSKEGON

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES.

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

Ann Becker, City Clerk
933 Terrace Street
Muskegon, MI 49443
(231) 724-6705 or TDD (231) 724-6773